

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



CHRISTOPHER T. WILLIS,
THOMAS C. SHATTUCK,
and
JEFFERY E. WILKERSON,

Plaintiffs,

v.

Civil No. 2:14cv652

CITY OF VIRGINIA BEACH,
and its POLICE DEPARTMENT,

and

JAMES A. CERVERA, Individually and
in his capacity as Chief of Police for the
Virginia Beach Police Department

Defendant.

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA, NORFOLK DIVISION:

Pursuant to 28 U.S.C. §§ 1441(a) and 1446(b), Defendants, the City of Virginia Beach
(the "City") and James A. Cervera ("Cervera") hereby remove to this Court the state court civil
action pending in the Circuit Court of the City of Virginia Beach, Virginia described below.

STATEMENT OF GROUNDS FOR REMOVAL

1. On or about November 25, 2014, Plaintiffs filed a Complaint against the
Defendants, in the Circuit Court of the City of Virginia Beach (Circuit Court Case No. CL-14-
5394)(attached as Exhibit 1).
2. The Defendants were served with the Complaint on December 12, 2014. This
Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

3. The Complaint asserts claims purporting to arise under 28 USC §1983. Removal is proper under 28 U.S.C. § 1441(a) because the Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331.

4. The Complaint also asserts claims purporting to arise under the common law of the Commonwealth of Virginia. These claims are so related to Plaintiff's federal claims that are within the original jurisdiction of this Court that they form part of the same case or controversy under Article III of the United States Constitution. Accordingly, the Court has supplemental jurisdiction over these claims pursuant to 28 U.S.C. § 1367(a).

5. Venue is proper in the Eastern District of Virginia, Norfolk Division pursuant to 28 U.S.C. § 1391 and Local Civil Rule 3 because all or a substantial part of the events alleged to give rise to the claims asserted are alleged to have occurred within the City of Virginia Beach.

6. This Notice of Removal was served on all adverse parties as required by 28 U.S.C. § 1446(d) and a copy of the Notice of Removal will be filed with the Circuit Court of the City of Virginia Beach.

Respectfully submitted,

CITY OF VIRGINIA BEACH and
JAMES A. CERVERA

By: _____/s/ 
Of Counsel

Mark D. Stiles (VSB No. 30683)
City Attorney
Christopher S. Boynton (VSB No. 38501)
Deputy City Attorney
Michael A. Beverly (VSB No. 70805)
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Removal was mailed this 23rd day of December 2014 to Michael Impreveto, Esq., Breit, Drescher, Impreveto, P.C. 600 22nd Street, Suite 402, Virginia Beach, Virginia 23451.

/s


Michael A. Beverly, Esq.

Mark D. Stiles (VSB No. 30683)
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